

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

W.A. DREW EDMONDSON, in his capacity as	)	
ATTORNEY GENERAL OF THE STATE OF	)	
OKLAHOMA, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 05-CV-329-TCK-SAJ
	)	
TYSON FOODS, INC., et al.,	)	
	)	
Defendants,	)	
	)	
TYSON FOODS, INC., et al.,	)	
	)	
Third-Party Plaintiffs,	)	
	)	
v.	)	
	)	
CITY OF TAHLEQUAH, et al.,	)	
	)	
Third-Party Defendants.	)	

**UNOPPOSED MOTION BY ADDITIONAL MEMBERS OF THE BERRY GROUP  
FOR ENLARGEMENT OF TIME TO RESPOND TO THIRD-PARTY COMPLAINT**

Pursuant to Fed.R.Civ.P. 7(b) and Local Civil Rule 7.1(g), the Third-Party Defendants who are identified herein, additional members of a group of Third-Party Defendants who are being collectively referred to as “The Berry Group,” request that this Court issue an Order granting them an enlargement of time during which they must respond to the Third-Party Complaint (Dkt. #80).

1. This motion is filed on behalf of the following Third-Party Defendants:

<b><u>3<sup>rd</sup> Party Def. #</u></b>	<b><u>Third-Party Defendant</u></b>
45	Beaman, Cheryl D.
45	Beaman, Phillip L.
46	Falcon Floats, Inc.
90	Fowler, Ricky Neil
90	Fowler, Tonya

145	Means, Dorothy Ann, Co-Trustee of the Jerry L. Means Trust
145	Means, Jerry L. Trust, Co-Trustee of the Jerry L. Means Trust
150	River Farms of Tahlequah, LLC
76	Spears, Brenda K., dba Pine Valley Cabins
76	Spears, Jack,, dba Pine Valley Cabins

2. Some of the forgoing members of The Berry Group of Third-Party Defendants were served on or about March 20, 2006, and their response deadline has expired. Nonetheless, Third-Party Plaintiffs have agreed that these additional members of The Berry Group may have until May 8, 2006, if necessary, to respond to the Third-Party Complaint.

3. In the interest of coordination and efficiency among all parties and judicial economy, current members of The Berry Group request that the deadline for them to respond to Third-Party Complaint be extended until May 8, 2006.

4. This is the first request for an extension of time sought by these members of The Berry Group, and it is sought in good faith and not for the purpose of delay. Counsel for The Berry Group need additional time within which to complete their review and investigation of Third-Party Plaintiffs' claims, to confer with client representatives, and to prepare and file appropriate responses. Members of the Berry Group reserve all defenses, including any deficiencies in the service of process.

5. This action is not presently set for trial and therefore granting this Motion will not delay or adversely affect any trial date.

**WHEREFORE**, the above named members of The Berry Group of Third-Party Defendants request that this Court allow them until May 8, 2006 to file their responsive pleadings to the Third-Party Complaint.

Respectfully submitted,

s/R. Jack Freeman  
R. Jack Freeman  
Okla. Bar No. 3128  
E-mail: [jfreeman@grahamfreeman.com](mailto:jfreeman@grahamfreeman.com)  
Tony M. Graham  
Okla. Bar No. 3524  
E-mail: [tgraham@grahamfreeman.com](mailto:tgraham@grahamfreeman.com)  
GRAHAM & FREEMAN, PLLC  
6226 E. 101st Street, Suite 300  
Tulsa, Oklahoma 74137  
Telephone: 918- 298-1716  
Facsimile: 918- 298-1728

### **CERTIFICATE OF SERVICE**

I hereby certify that on April 28, 2006, I electronically transmitted a copy of this Unopposed Motion By Additional Members of the Berry Group For Enlargement of Time to Respond to Third-Party Complaint to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Jo Nan Allen  
Frederick C. Baker  
Tim Keith Baker  
Douglas L. Boyd  
Vicki Bronson  
Paula M Buchwald  
Louis Werner Bullock  
Lloyd E. Cole, Jr.  
Angela Diane Cotner  
W. A. Drew Edmondson  
Delmar R. Ehrich  
John R. Elrod  
Bruce Wayne Freeman  
Ronnie Jack Freeman  
Richard T. Garren  
Dorothy Sharon Gentry  
Robert W. George  
Tony M. Graham  
James Martin Graves  
Thomas James Grever  
Jennifer Stockton Griffin  
John Trevor Hammons  
Michael Todd Hembree  
Theresa Noble Hill  
Philip D. Hixon

Nicole Marie Longwell  
Linda C. Martin  
Archer Scott McDaniel  
Robert Park Medearis, Jr  
James Randall Miller  
Robert Allen Nance  
J. Stephen Neas  
George W. Owens  
David Phillip Page  
Marcus N. Ratcliff  
Robert Paul Redemann  
Melvin David Riggs  
Randall Eugene Rose  
Patrick Michael Ryan  
Robert E. Sanders  
David Charles Senger  
Colin Hampton Tucker  
John H. Tucker  
R. Pope Van Cleef, Jr.  
Kenneth Edward Wagner  
Elizabeth C. Ward  
Sharon K. Weaver  
Timothy K. Webster  
Gary V. Weeks  
Adam Scott Weintraub

Mark D. Hopson  
Kelly S. Hunter Burch  
Stephen L. Jantzen  
Bruce Jones  
Jay Thomas Jorgensen  
Raymond Thomas Lay

Terry Wayen West  
Edwin Stephen Williams  
Douglas Allen Wilson  
J. Ron Wright  
Lawrence W. Zeringue

I hereby certify that on April 28, 2006, I served the same document by U.S. Postal Service on the following who are not registered participants of the ECF System:

Jim Bagby  
RR 2, Box 1711  
Westville, OK 74965

Krisann Kleibacker Lee  
Faegre & Benson  
90 South 7<sup>th</sup> Street, #2200  
Minneapolis, MN 55402-3901

Gordon W. and Susann Clinton  
23605 S. Goodnight Lane  
Welling, OK 74471

Ancil Maggard  
Route 2, Box 568  
Westville, Oklahoma 74965

Eugene Dill  
P.O. Box 46  
Cookson, OK 74424

Doris Mares  
P.O. Box 46  
Cookson, OK 74424

Marjorie Garman  
5116 Highway 10  
Tahlequah, OK 74464

William H Narwold  
Motley Rice LLC (Hartford)  
20 Church Street, 17<sup>th</sup> Floor  
Hartford, CT 06103

James C. Geiger  
Rt 1, Box 222  
Kansas, OK 74347

Donna S. Parker  
34996 S. 502 Road  
Park Hill, OK 74451

Thomas C. Green  
Sidley Austin Brown & Wood LLP  
1501 K St. NW  
Washington, DC 20005

Richard E. Parker  
34996 S. 502 Road  
Park Hill, OK 74451

G. Craig Heffington  
20144 W. Sixshooter Road  
Cookson, OK 74427

Jane T. Spencer  
Rt 1, Box 222  
Kansas, OK 74347

James R. Lamb, individually and  
dba Strayhorn Landing  
Rt 1, Box 253  
Gore, OK 74435

Kenneth D. Spencer  
Rt 1, Box 222  
Kansas, OK 74347

D. Jean Lamb, individually and  
dba Strayhorn Landing  
Rt 1, Box 253  
Gore, OK 74435

Monte W. Strout  
209 W. Keetoowah  
Tahlequah, OK 74464

C. Miles Tolbert  
Secretary of the Environment  
State of Oklahoma  
3800 North Classen  
Oklahoma City, OK 73118

Robin L. Wofford  
Route 2, Box 370  
Watts, OK 74964

Date: April 28, 2006

s/R. Jack Freeman

R. Jack Freeman